

VOLUME 48, ISSUE 13  
ISSUE DATE: **JULY 5, 2016**  
**RULE ADOPTIONS**  
**LAW AND PUBLIC SAFETY**  
**DIVISION OF CONSUMER AFFAIRS**  
**STATE BOARD OF MARRIAGE AND FAMILY THERAPY EXAMINERS**  
**PROFESSIONAL COUNSELOR EXAMINERS COMMITTEE**

**Adopted Amendments: N.J.A.C. 13:34-11.2, 11.5, 12.1, and 17.1**

**Professional Counselor: Application and Educational Requirements; Associate Counselor: Application and Educational Requirements; Licensure by Endorsement; Fees**

Proposed: September 21, 2015, at 47 N.J.R. 2338(a).

Adopted: February 11, 2016, by the State Board of Marriage and Family Therapy Examiners, Ben K. Beitin, Ph.D., President.

Filed: June 1, 2016, as R.2016 d.077, **without change**.

Authority: N.J.S.A. 45:8B-13 and 35.

Effective Date: July 5, 2016.

Expiration Date: September 10, 2016.

**Summary** of Public Comments and Agency Responses:

The official comment period ended November 20, 2015. The Professional Counselor Examiners Committee (Committee) received comments from:

1. RoseMarie DiStefano;
2. Theresa Cannone;
3. Samantha M. Mackintosh, M.A. Candidate, Clinical Mental Health Counseling;
4. Gabrielle Bereski;
5. Kelly Anne Davis;
6. Mackenzie Blasch;
7. Melanie Maida;
8. Lakendra McFadden;

9. Lauren Hudon;
10. Christina Barone;
11. Erin Bruce;
12. Kalliope Papas, Graduate Student, Counseling Program;
13. Rasheda Ali;
14. Meghan Butler, Graduate Student, Masters in Counseling;
15. Kathleen Miceli, Master's in Counseling student;
16. Sandra S. Lee, Ph.D.;
17. Dr. Carol L. Bobby, President and CEO, Council for Accreditation of Counseling and Related Educational Programs (CACREP)
18. Annemarie Sacco;
19. Lara Librie;
20. Alicia Kupchack;
21. Catherine Reilly;
22. Lois Hartnack, L.A.C., M.A., ATR-BC;
23. Sudha Nagarajan, NCC, LPC, ACS, CDP, Doctoral Candidate, Ph.D. in Counselor Education;
24. Koralee Grullon;
25. Meredith M. Keller, M.A., LPC, ACS;
26. Laura Spinella, M.A. Candidate, Clinical Mental Health Counseling;
27. Randy Clark, President, Maureen Haggerty, Past President, John A. MacDonald, Chairperson, NJCA Policy and Legislation Committee, Janice Oursler, Treasurer, Sonia Wadhvani, Secretary, and Nancy Benz, Executive Director, on behalf of the New Jersey Counseling Association;
28. Sheila F. Gilstein, M.A., LPC;
29. Dr. J. Barry Mascari, LPC, LCADC;
30. Rachael Liebhauser;
31. Atsuko Seto, Ph.D., on behalf of the Department of Counselor Education Faculty at The College of New Jersey;
32. Jane M. Webber, Ph.D., LPC;

- [page=1372] 33. Maria Palamara;
34. Samantha Santos a/k/a Samantha Rebelo, Graduate Student;
35. Alexandra Earle;
36. Christine Bozicevic;
37. Jacklyn Marie Macchi, School Counseling Graduate Student;
38. Tara Walsh;
39. Sherrita T. Hughes, M.S., LPC;
40. Connie Ducaine, LPC, LCADC, ACS, BCPC, NCC, Doctoral Candidate;
41. Meaghan Cleaver, M.A. Candidate, Clinical Mental Health Counseling;
42. Samantha Landwehr;
43. Michael Canzano;
44. Randi Elia;
45. Gabriella Mullady, Masters in Counseling Student;
46. Joshua Szporn, Graduate Student;
47. John Grady, LPC, LCADC, ACS, NCC;
48. Gail R. Rhein, M.A., Counseling;
49. Rachel Bellow;
50. Marcela Kepicova, ABD, ED.S., M.A., LPC, NCC, ACS;
51. Denise Schenk;
52. John E. Smith, Ed.D., Assistant Professor, Counseling and School Counseling Programs, CEHS, Seton Hall University;
53. Aynur Fox, M.A., LPC, LCADC, ACS, NCC;
54. Vanessa Alleyne, Kathy A. Gainor, Harriet L. Glosoff, Michael Hannon, Les Kooyman, Dana Heller Levitt, Kathleen Mangano, Edina Renfro-Michel, Gloria Pierce, Angela Sheely-Moore, and Matthew Shurts, The Faculty of the Counseling Program at Montclair State University;
55. Joseph Placenti, M.A.T.;
56. Gail Andrew;

57. Cristina Fontana, Clinical Mental Health Counseling M.A. Candidate;
58. Dr. Catherine Golfopoulos, Ph.D., LPC, NCC, ACS;
59. Cindy Aguilar;
60. Kevin M. Malloy, M.A.;
61. Kristen Lunz;
62. Peggy Brady-Amoon, Ph.D., LPC, Associate Professor, Academic Director, Counseling Programs, Department of Professional Psychology and Family Therapy, Seton Hall University;
63. Joseph A. Feola, Jr., Ed.S., LPC, NCC, ACS;
64. Karen Walsh;
65. Shannon Adair;
66. Mage Cremer;
67. Jeanette Freire;
68. Jennifer Marshall;
69. David Bergman, J.D., Vice President of Legal and External Affairs, Chief Legal Officer, National Board for Certified Counselors, Inc. and Affiliates;
70. John A. MacDonald, M.A., J.D., NCC, LAC;
71. Brian Kalmus, M.A., Mental Health Counseling (graduating, January 2016);
72. Stephanie Herman, Counseling Graduate Student;
73. Thomas McGowan, Jr.;
74. Kevin Capriolo, Graduate Student;
75. Allyson Joy Brinson;
76. Lorena Vazquez;
77. Holly Milligan, Clinical Mental Health in Counseling Graduate Student;
78. Brooke Campbell, M.A., RDT-BCT, LCAT, Creative Kinnections, LLC;
79. Andrea Stefens;
80. Joshua Marshall;
81. Mizuho Kanazawa, LCAT, CCLS;

82. Linda A. DiMatteo, M.S., LPC;
83. Dorothy Gasparro, Ed.S., LPC, NCC;
84. Jacqueline Giordano, LPC, ACS;
85. Jacklyn;
86. William Maurice, LPC, LCADC;
87. Elsie Lee Whitton;
88. Paula Schnorbus M.A., NCC, LPC, GCDF;
89. Edward W. Stroh, Ph.D., LPC;
90. Paula;
91. Laura Greenstone, M.S., LPC, ATR-BC;
92. Jacqueline A. Murphy; and
93. Judith D. Ferlise, M.A., LPC.

1. COMMENT: Ten commenters supported the Committee's proposed amendment to remove the current requirement that applicants for initial counselor licensure have earned a master's or doctorate with the word "Counseling" or "Counselor" in the degree title. One of the commenters noted that the protection of the public and the high standards of licensing will be maintained. In addition, this commenter stated that the word "Counseling" or "Counselor" in the title of a program is not a relevant standard that will protect the public or enhance the standards for licensing. The commenters believe that the proposed amendments may allow for the licensing of more counselors who are well-trained and who meet or exceed all relevant standards, thus protecting the public and keeping standards high.

RESPONSE: The Committee thanks the commenters for their support.

2. COMMENT: Fifty-eight commenters objected to the removal of the word "Counseling" or "Counselor" from the required master's degree or doctorate in counseling required for licensure because of concerns that changing the standards for licensure to accept any type of master's degree, without counseling-specific training, will result in unqualified and non-properly trained licensed counselors, thereby affecting public safety, the confidence of clients, and the future of the counseling profession in New Jersey. The commenters believe that the other professions do not meet the educational and practice standards set by accreditation and certification entities in professional counseling, and programs that do not contain the descriptive words of "Counseling" or "Counselor" in the degree title are not programs dedicated to preparing professional counselors. In addition, the commenters believe that the proposed changes put the needs of persons who are not graduates of counseling programs ahead of those in New Jersey who seek the services of legitimate and qualified counselors who are graduates of professional counseling programs. The commenters also believe that the proposed changes will confuse clients who seek professional counseling services and impede the public's ability to make informed choices.

RESPONSE: The Committee shares the commenters' interest in ensuring that those licensed as professional counselors are trained and prepared as counselors. The Committee, however, disagrees with the commenters that the proposed change to N.J.A.C. 13:34-11.2, 11.5, and 12.1 that removes the word "Counseling" or "Counselor" from the degree title impacts public safety or the high standards currently required for licensure, or will cause confusion amongst New Jersey consumers. To obtain a license as a professional counselor or associate counselor, applicants must continue to satisfy the counseling coursework requirements set forth in N.J.A.C. 13:34-11.2(a)3ii and 11.5(a)3ii, which provide that applicants must have at least 60 graduate semester hours, of which 45 graduate semester hours are distributed in eight of the following nine areas: counseling theory and practice, the helping relationship, human growth and development and maladaptive behavior, lifestyle and career development, group dynamics, appraisal of individuals, social and cultural foundations, research and evaluation, and the counseling profession. In addition, the Committee continues to require that the educational institution from which the applicant has completed his or her coursework is CACREP accredited (Council for Accreditation of Counseling and Related Educational Programs) or has obtained approval from the Committee that the program satisfies the coursework requirements set forth in N.J.A.C. 13:34-11.2(a) or 11.5(a). Applicants must also satisfy the examination requirements set forth in N.J.A.C. 13:34-11.4 and 11.6, which requires successfully passing the National Counselor Examination. In addition to education and examination requirements, an applicant for licensure as a professional counselor must satisfy the experience requirements set forth in N.J.A.C. 13:34-11.3.

3. COMMENT: Thirty-five commenters objected to the removal of the word "Counseling" or "Counselor" from the required master's degree or doctorate in counseling required for licensure because of concerns about expanding licensure as a professional counselor to those from other mental health professions. The commenters noted that the primary [page=1373] purpose of State licensure is to protect the health, safety, and welfare of the individuals and families seeking services covered by State law and that requiring a degree in "counseling" or "counselor education" prepares students to become counselors, not another profession. In addition, the commenters are concerned that opening the door to individuals without a background in counseling will increase the pool of candidates searching for a job within the counseling field. The commenters further noted that counseling graduate students entering the work field will have a difficult time securing a job within their line of work because of the number of people who will be licensed professional counselors as a result of the proposed amendments.

RESPONSE: The Committee disagrees with the commenters that the removal of the requirement for the degree title to include the word "Counseling" or "Counselor" will open up licensure to those from other mental health professions or impact jobs within New Jersey. In accordance with N.J.A.C. 13:34-11.2 and 11.5, the Committee continues to require applicants to have a master's degree or a doctorate in counseling in a planned educational program designed to prepare students for the professional practice of counseling. Pursuant to N.J.A.C. 13:34-11.2(a)3ii and 11.5(a)3ii applicants must satisfy the coursework distribution requirements of at least 60 graduate semester hours, of which 45 graduate semester hours are distributed in eight of the following nine areas: counseling theory and practice, the helping relationship, human growth and development and maladaptive behavior, lifestyle and career development, group dynamics, appraisal of individuals, social and cultural foundations, research and evaluation, and the counseling profession.

4. COMMENT: Forty-eight commenters raised concerns about the proposed changes to the degree requirements because they believe the proposed amendments will undo the

counseling profession's movement towards a stronger professional identity. The commenters believe that it confuses the public and weakens the license by allowing individuals without a counseling identity to practice in the State as professional counselors. The commenters believe that this is especially important within the broader context of helping professions in which the roles and identities of professional counselors, social workers, marriage and family therapists, and psychologists are often blurred and misunderstood by the public at large. In addition, the commenters believe that, if the licensure standards are diluted, licensees from New Jersey may have a difficult time becoming licensed in a new state with stronger professional identity requirements. The commenters believe that it is crucial to distinguish and differentiate professional programs and professional licenses to send a clear message to the public about who licensed professional counselors are and the nature of their professional training. The commenters further stated that maintaining the current requirement not only assists in differentiating counseling from other mental health professions, but also ensures that those seeking the license are clearly from counseling programs. The commenters believe that taking the word "Counseling" or "Counselor" out of the educational requirement would open up the licensure path for graduates with non-counseling degrees, such as human services and other generalist non-counseling programs and that these graduates do not meet the national standards for professional counseling. The commenters stated that a degree in counseling demonstrates that a university is dedicated to prepare students to be professional counselors and the program has a dedication to uphold the identity of, and advocate for, professional counseling and that removing this requirement contributes to changing licensed associate counselors and licensed professional counselors into a generic mental health provider status rather than the specialized profession that it truly is. One of the commenters stated that a profession is defined by its body of knowledge, accredited training, credentialing of practitioners, code of ethics, legal recognition, and established standards of excellence. This commenter also stated that, as a new profession, the counseling profession needs increased independence, a distinguished status, increased recognition, a defined identity, and the ability to choose members based on the vision of the profession. The commenter stated that the multi-disciplinary approach to training of counselors is one of the main contributors of confusion among clients regarding the mandate and scope of the counseling profession, and the difficulty of establishing and maintaining a collective identity for counselors is compounded by the differing modes of training, specializations, credentialing, and licensure requirements across states.

RESPONSE: While the Committee recognizes the importance of a professional identity, its purpose is to maintain the high licensure standards of the State of New Jersey to ensure that licensed professional counselors are qualified to provide counseling services. Moreover, the Committee disagrees that removal of the word "Counselor" or "Counseling" impacts an individual's professional identity. The Committee will continue to license as professional counselors or associated counselors those applicants who have obtained a master's degree or a doctorate in counseling in a planned educational program designed to prepare students for the professional practice of counseling and satisfied the required counseling coursework, experience, and examination requirements.

5. COMMENT: Eleven commenters expressed concern that the Committee lacks the resources to review non-CACREP accredited programs on a significantly meaningful level to verify the efficacy of individual training programs. The commenters believe that introducing a variety of programs to licensure will reduce the effectiveness of the Committee in protecting the public and puts the people of New Jersey at risk for harm because they will encounter professionals with a lack of training. The commenters noted that the established criteria for training programs helps to maintain consistency throughout the profession and protect the public from individuals with inadequate knowledge and training.

RESPONSE: The Committee disagrees that it lacks the resources to conduct a meaningful review of non-CACREP accredited programs. Furthermore, the Committee noted that in accordance with N.J.A.C. 13:34-11.2(b) and 11.5(b), the Committee currently reviews non-CACREP accredited programs to confirm that the program's candidates have satisfied the coursework requirements for licensure.

6. COMMENT: Five commenters believe that the Committee should not change its rules on the basis that applicants for licensure from other states that have the appropriate training and are licensed in other states, but do not have the degree requirement, cannot currently be licensed in New Jersey. The commenters believe that instead of changing the regulations for all applicants, the commenters should change only the regulations for licensure by reciprocity. One of the commenters stated that although professional counselors from other states meet the educational and licensure requirements of their state, the wide variety of requirements in other states' statutes can prove difficult for the Committee to assess if applicants from other states meet all requirements, except the title of the degree. The commenter recommended that the Committee consider amending the licensure by reciprocity provision to include a date certain by which the Committee would recognize licenses from other states, regardless of the individual's degree requirements. The commenter believes that New Jersey would be providing portability and reciprocity for individuals licensed and practicing as professional counselors in another state and that a specific date could be established because most states are moving away from the "and other related professions" language. The commenter also suggested an alternative is to make the change to the degree title for only the out-of-State applicants and to increase the other requirements to provide the Committee with ample proof that the applicant meets New Jersey standards for professional counselors.

RESPONSE: The Committee proposed to remove the requirement for the word "Counselor" or "Counseling" from the degree title because the Committee believes that the education, training, experience, and examination requirements are the standards by which to assess an individual applicant's qualifications for licensure. The Committee further believes that the title of a program is not a relevant standard for licensure nor does it protect the public. In addition, the Committee notes that P.L. 2013, c. 182, which became effective on July 1, 2014, requires the Committee to issue licenses to applicants holding a license that is in good standing that is issued by another state whose education, training, and examination requirements for licensure are substantially similar to New Jersey's. Accordingly, the Committee currently looks beyond the degree title when assessing applicants for licensure by reciprocity.

7. COMMENT: Five commenters noted that all 50 states and the District of Columbia license the practice of professional counseling and [page=1374] that the majority of states across the country require a degree specifically in counseling or clearly that the master's degree included all areas of coursework in the CACREP-core courses. The commenters noted that this coursework includes that students demonstrate knowledge of the history of the counseling profession (as a distinct discipline) and understanding of current issues that affect professional counselors and the clients they serve. The commenters further stated that each distinct discipline (counseling, psychology, social work) has specific tenets concerning that discipline that must be embraced by professionals holding the specific license that allow them to practice by law.

RESPONSE: In accordance with N.J.A.C. 13:34-11.2 and 11.5, the Committee will continue to require applicants to obtain a master's degree or a doctorate in counseling in a planned educational program designed to prepare students for the professional practice of

counseling. In addition, pursuant to N.J.A.C. 13:34-11.2(a)3ii and 11.5(a)3ii, applicants must satisfy the coursework distribution requirements of at least 60 graduate semester hours, of which 45 graduate semester hours are distributed in eight of the following nine areas: counseling theory and practice, the helping relationship, human growth and development and maladaptive behavior, lifestyle and career development, group dynamics, appraisal of individuals, social and cultural foundations, research and evaluation, and the counseling profession.

8. COMMENT: Seventeen commenters noted that the majority of states, including New Jersey, require applicants to pass the National Counselor Examination (NCE) to become a National Certified Counselor (NCC) or the National Clinical Mental Health Counseling Examination to become a National Certified Clinical Mental Health Counselor (NCCMHC). The commenters also noted that to become an NCC through the National Board for Certified Counselors (NBCC), one must graduate from a CACREP-accredited program or program that clearly reflects equivalent standards. Thirteen of these commenters believe that programs in New Jersey that do not meet these requirements could change their degree titles if they wanted their graduates to become counselors and have had many years to make this change, and that not making this change reflects the choice to not train counselors, but to train other professionals.

RESPONSE: The Committee is responsible for establishing the standards for licensure that authorize individuals to practice as a professional counselor or associate counselor in New Jersey. The NCC and the NCCMHC credentials, which are offered through a private national organization, are not recognized in New Jersey as authorization to practice as a professional counselor or associate counselor. In addition, NBCC and not the state licensing boards establish the requirements for receiving the NCC and the NCCMHC credentials.

9. COMMENT: Seven commenters believe that soon states will have portability of licensure and, when this happens, New Jersey licensed professional counselors might not be able to participate in this portability due to the lack of standards for licensure.

The commenters believe that this means that when counselors in other states have the freedom to practice in any state they choose without any barriers, counselors from New Jersey may have to go through an application process for licensure once again.

RESPONSE: The Committee disagrees that the removal of the words "Counselor" or "Counseling" from the degree title will impact the portability of licensure for New Jersey licensed professional counselors. New Jersey licensees will continue to be required to complete the high standards for licensure required under N.J.A.C. 13:34.

10. COMMENT: Eight commenters noted that the Institute of Medicine has specific requirements for employment in the Veteran's Administration, the Department of Defense, and Tricare insurance programs, including a master's degree from a CACREP-accredited Clinical Mental Health Counseling Program. The commenters believe that New Jersey licensed professional counselors should also meet this requirement because of the importance of licensure portability and it will be the Federal government standard. The commenters believe that with these suggested changes to program labeling requirements, New Jersey State requirements would change significantly in comparison to those being proposed on the Federal level.

RESPONSE: The Committee notes that the Federal government does not regulate the licensure of professional counselors; each state establishes its own regulatory framework and determines the qualifications for licensure. Employers, including governmental

agencies, may establish different criteria for employment and applicants for licensure may consider this information before selecting an educational institution. The Committee does not believe that particular qualifications for employment should be the basis for setting licensure standards.

11. COMMENT: One commenter opposed the proposed changes because it will take all that she has worked for to become a licensed associate counselor and is working towards becoming a licensed professional counselor and have it grouped into the new classification. The commenter further stated that what she does is specialized and she is proud of her position as a licensed associate counselor.

RESPONSE: The Committee commends the commenter on becoming a licensed associate counselor and working towards becoming a licensed professional counselor. The Committee's proposal does not amend the existing licensure standards nor the titles or classifications for licensure.

12. COMMENT: One commenter stated that, "without the help of professional trained in counseling specifically," she would not have managed the level of recovery she has personally attained in regards to her mental illness. The commenter also stated that the proposed change is something she finds rather scary, as the mental health of patients is something that should be taken very seriously. The commenter further requested that the Committee reconsider the proposed change to licensure degree requirement.

RESPONSE: The Committee takes very seriously the mental health of clients and the need to ensure the qualifications of its licensees. The Committee disagrees that the removal of the word "Counseling" or "Counselor" from the degree title impacts public safety or the high standards currently required for licensure.

13. COMMENT: Two commenters stated that the Committee does not have the statutory authority to issue licenses to persons whose degrees are not in counseling or rehabilitation counseling. One of the commenters noted that the Committee's statutory authority to license applicants whose degree was not specifically in counseling, but whose curricula content was primarily in counseling, only extended to applications submitted during the first 360 days following the enactment of the revisions to N.J.S.A. 45:8B-41.2 and that, even then, the applicant had to document "five years of pre-application experience in the practice of professional counseling, acceptable to the committee." This commenter requested that the Committee maintain the regulations, which require individuals who provide professional counseling services to meet the current requirements for having degrees in counseling or rehabilitation counseling or are exempt from the requirement because they are duly licensed by other New Jersey licensure boards, are working under appropriate supervision, or are providing services as part of their duties as clergy. The commenter stated that graduates with degrees representative of other mental health professionals (that is, social workers, psychologists) have their own identity and their own path towards licensure and extending the degree requirements to include disciplines that are not currently recognized by any established New Jersey licensure board appears to require a revision to the statute.

RESPONSE: The Committee's removal of the word "Counselor" or "Counseling" from the degree title is consistent with New Jersey's Professional Counselor Licensing Act. Consistent with N.J.S.A. 45:8B-40, N.J.A.C. 13:34-11.2 and 11.5 require applicants to have a master's degree or a doctorate degree in counseling in a planned educational program designed to prepare students for the professional practice of counseling from a regionally accredited institution of higher education and to satisfy the coursework distribution requirements set forth in N.J.S.A. 45:8B-40.

14. COMMENT: One commenter questioned whether the portions of the licensure by endorsement regulation, N.J.A.C. 13:34-12.1, are consistent with the statutory authority granted in N.J.S.A. 45:8B-46.

RESPONSE: The Committee believes that N.J.A.C. 13:34-12.1, with the adopted amendments, is consistent with the statutory authority granted in N.J.S.A. 45:8B-46. The Committee notes that P.L. 2013, c. 182, which became effective July 1, 2014, requires professional boards to issue licenses to applicants holding a license that is in good standing that is issued by another state whose education, training, and examination requirements for licensure are substantially similar to New Jersey's. To [page=1375] implement this law, the Board, in consultation with the Committee, will initiate a future rulemaking.

15. COMMENT: One commenter opposed allowing people without a degree or one not in counseling to become a licensed professional counselor. The commenter noted that he trained very hard in undergraduate psychology major and graduate school in counseling psychology in order to attain the licensure as a professional counselor. The commenter believes that the licensure as a professional counselor would become meaningless if non-trained people were able to get the same license. The commenter also stated that insurance would stop paying licensed professional counselors for their services because they would not know what they are getting, which would have a huge financial impact on the current licensed professional counselors.

RESPONSE: The Committee disagrees that removing the requirement for the degree title to include the word "Counselor" or "Counseling" will impact the value of becoming licensed as a professional counselor or payments from insurance companies. A licensed professional counselor in New Jersey will continue to be required to satisfy the high standards for education, training, examination, and experience that are set forth in N.J.A.C. 13:34. In accordance with N.J.A.C. 13:34-11.2 and 11.5, to obtain a license as a professional counselor or associate counselor, applicants must obtain a master's degree or a doctorate in counseling in a planned educational program designed to prepare students for the professional practice of counseling. In addition, applicants must continue to satisfy the counseling coursework requirements set forth in N.J.A.C. 13:34-11.2(a)3ii and 11.5(a)3ii, which provide that applicants must have at least 60 graduate semester hours, of which 45 graduate semester hours are distributed in eight of the following nine areas: counseling theory and practice, the helping relationship, human growth and development and maladaptive behavior, lifestyle and career development, group dynamics, appraisal of individuals, social and cultural foundations, research and evaluation, and the counseling profession. The Committee will continue to require that the educational institution from which the applicant has completed his or her coursework is CACREP-accredited or has obtained approval from the Committee that the program satisfies the coursework requirements set forth in N.J.A.C. 13:34-11.2(a) or 11.5(a). Applicants must also satisfy the examination requirements set forth in N.J.A.C. 13:34-11.4 and 11.6 of successfully passing the National Counselor Examination. In addition to education and examination requirements, an applicant for licensure as a professional counselor must satisfy the experience requirements set forth in N.J.A.C. 13:34-11.3.

16. COMMENT: One commenter urged the Committee to keep in place the requirement that licensed professional counselors have a degree that contains "counselor" or "counseling" in their title. The commenter noted that counseling is a specialized service and its title should remain protected.

RESPONSE: The Committee's semantic changes to the degree title required for licensure

does not affect the title of licensure. Applicants for licensure who meet the requirements set forth in N.J.A.C. 13:34-11.2, 11.3, and 11.4 will continue to be licensed as professional counselors.

17. COMMENT: One commenter stated that she is in favor of retaining the current qualifications for licensure, as well as the current credentialing and coursework status. The commenter noted that she is a certified licensed associate counselor, as well as a candidate who was required to have the term of "counseling psychology" when she obtained a second master's degree at age 52. The commenter believes that if she could work a full-time job and do this, then so could all the other "whiners" who would benefit by not having to do the course work. The commenter further stated that it seems that in this day and age it is easier to "whine" to have rulings changed, but she believes that it just might be time "to stay tough." The commenter does not believe that everyone should have the ability to be a counselor, and that if this is allowed, professional counselors will lose the public's respect and it will lead to problems.

RESPONSE: The Committee disagrees that the removal of the word "Counselor" or "Counseling" from the degree title will lead to problems. In addition, the Committee noted that applicants for licensure will continue to be required to satisfy the high standards for education, training, examination, and experience that are set forth in N.J.A.C. 13:34. In accordance with N.J.A.C. 13:34-11.2 and 11.5, to obtain a license as a professional counselor or associate counselor, applicants must obtain a master's degree or a doctorate in counseling in a planned educational program designed to prepare students for the professional practice of counseling. In addition, applicants must continue to satisfy the counseling coursework requirements set forth in N.J.A.C. 13:34-11.2(a)3ii and 11.5(a)3ii, which provide that applicants must have at least 60 graduate semester hours, of which 45 graduate semester hours are distributed in eight of the following nine areas: counseling theory and practice, the helping relationship, human growth and development and maladaptive behavior, lifestyle and career development, group dynamics, appraisal of individuals, social and cultural foundations, research and evaluation, and the counseling profession. The Committee will continue to require that the educational institution from which the applicant has completed his or her coursework is CACREP-accredited or has obtained approval from the Committee that the program satisfies the coursework requirements set forth in N.J.A.C. 13:34-11.2(a). Applicants must also satisfy the examination requirements set forth in N.J.A.C. 13:34-11.4 and 11.6 of successfully passing the National Counselor Examination. In addition to education and examination requirements, an applicant for licensure as a professional counselor must satisfy the experience requirements set forth in N.J.A.C. 13:34-11.3.

18. COMMENT: One commenter stated that if this rule should change, she believes she would no longer feel comfortable as a professional lumping herself in with others who had not attained the same formal training that she has. The commenter further stated that, although it would be emotionally difficult and she would have to leave her family and home, she would leave the State before beginning the licensure process, because licensure as a professional counselor in the State of New Jersey would no longer carry the same prestige to her.

RESPONSE: The Committee disagrees that removing the requirement for the degree title to include the word "Counselor" or "Counseling" will impact the value of becoming licensed as a professional counselor in New Jersey. A licensed professional counselor in New Jersey will continue to be required to satisfy the high standards for education, training, examination, and experience that are currently set forth in N.J.A.C. 13:34. In accordance with N.J.A.C. 13:34-11.2 and 11.5, to obtain a license as a professional counselor or associate counselor,

applicants must obtain a master's degree or a doctorate in counseling in a planned educational program designed to prepare students for the professional practice of counseling. In addition, applicants must continue to satisfy the counseling coursework requirements set forth in N.J.A.C. 13:34-11.2(a)3ii and 11.5(a)3ii, which provide that applicants must have at least 60 graduate semester hours, of which 45 graduate semester hours are distributed in eight of the following nine areas: counseling theory and practice, the helping relationship, human growth and development and maladaptive behavior, lifestyle and career development, group dynamics, appraisal of individuals, social and cultural foundations, research and evaluation, and the counseling profession. The Committee will continue to require that the educational institution from which the applicant has completed his or her coursework is CACREP-accredited or has obtained approval from the Committee that the program satisfies the coursework requirements set forth in N.J.A.C. 13:34-11.2(a). Applicants must also satisfy the examination requirements set forth in N.J.A.C. 13:34-11.4 and 11.6 of successfully passing the National Counselor Examination. In addition to education and examination requirements, an applicant for licensure as a professional counselor must satisfy the experience requirements set forth in N.J.A.C. 13:34-11.3.

19. COMMENT: One commenter questioned what the proposal says about all the men and women who have spent years of their life studying to learn and treat people who suffer from mental illness and addiction, and whether it was all for naught. The commenter further stated that, if this change is adopted, she will seek licensure in another state.

RESPONSE: The Committee disagrees that removing the requirement for the degree title to include the word "Counselor" or "Counseling" will impact the value of having become licensed as a professional counselor in New Jersey. The Committee is continuing to maintain its high standards for licensure as currently set forth in N.J.A.C. 13:34.

20. COMMENT: Three commenters believe that the proposal published in the New Jersey Register (Register) failed to provide adequate notice of the impact of the proposed elimination of the [page=1376] requirement that the words "Counselor" or "Counseling" appear in an applicant's degree title. The commenters believe that the proposal lacks information from which a commenter can judge whether or not the degrees required for licensure are in fact in counseling as provided for in the Professional Counseling Licensing Act, lacks information whether the standards used in making the determination are consistent with the Committee's statutory powers under the Act and intended by the Legislature, has insufficient information to assess the effect of the rule including the impact to the Committee's processing of applications with regard to both review of course curricula or timely processing of applications, and does not include any indication that the Committee considered the effect of the provision on license portability, a critical issue to the New Jersey and national professional counseling community. The commenters noted that the notice in the Register asserts that the "counselor" or "counseling" degree requirements can be a barrier to obtaining licensure for applicants who otherwise meet licensure requirements, but fails to identify whether these are applicants that are applying for initial licensure or licensure by reciprocity, thus depriving the public and the professional counseling community the opportunity to understand the true impact of the changes. In addition, the commenters stated that the notice fails to identify the types of additional degrees that now would qualify applicants for licensure as a professional counselor and the number of additional licenses per year that would be issued as a result of the proposed change. The commenters also stated that the notice does not include any assessment of the effect on current licensees. For example, the commenters stated that there is no indication of the numbers of current, pending applications for licensure from individuals with non-Counseling or non-Counselor degrees that will now be licensed under the rule and without knowing

these numbers or the number of non-Counseling or non-Counselor degrees, the economic impact of the proposed rule change cannot be determined. The commenters believe a sudden and substantial increase in the numbers of licensed counselors can and will probably create downward pressure on the salaries of current licensees and on the prospects of students entering or currently in counselor education programs. One of the commenters stated that the notice also fails to identify whether this change would allow graduates of psychology or counseling psychology programs to be licensed, which the commenter believes is beyond the statutory authority of the Committee and those the professional licensing of these graduates is under the proper jurisdiction of the Board of Psychological Examiners. This commenter also stated that in accordance with the legislative history, the Board and Committee must use the standards of appropriate professional counseling associations as a guide in establishing standards for counselor licensing. The commenter further stated that, to be able to comment on whether the Committee's determination that the non-Counseling and non-Counselor degrees are in accordance with the standards of "appropriate professional counseling associations" as the Legislature intended, it is necessary to know: 1) what professional counseling association or associations the Committee deemed appropriate for the purposes of licensing professional counselor pursuant to the Act; and 2) which specific standards of the Committee used and will use in determining that the non-Counseling or non-Counselor degrees are within the scope of persons intended to be licensed under the Act. The commenters also stated that it seems curious that programs that are in counseling would award degrees that do not contain "Counseling" or "Counselor" in the name of the degree and the notice fails to adequately discuss why the references to "Counseling" or "Counselor" in the degrees that have existed for several decades have suddenly become an issue. The commenters also stated that there appears to have been no consideration given to the potential numbers of currently-licensed professional counselors in the adjacent states of New York, Pennsylvania, and Delaware that might, for the first time, be able to set up additional practices in New Jersey and compete with current New Jersey licensees. There also appears to have been no consideration of whether, by broadening the scope of New Jersey professional counselors to include non-Counselor and non-Counseling degrees, these rule changes may negatively impact the portability and acceptance of New Jersey licensees by New York, Pennsylvania, Delaware, and other states across the nation. The commenters believe that significant questions have been raised about the adequacy of the notice, the wisdom of adopting these changes, and the statutory authority for the current changes, as well as of some of the regulations that they modify. The commenters, therefore, requested that the Committee and the Board of Marriage and Family Therapy not adopt these regulations at this time and re-examine the relevant sections of the current regulations in the light of current statutory authority. The commenters believe this would allow the Committee and the Board time to more fully consider the wisdom and effect of the proposed changes and, if it is decided to re-propose them in current or amended form, to propose them with notice that is more consistent with the Administrative Procedures Act and the Licensed Professional Counselors Act, as currently amended. The commenters further stated that to adopt the proposed changes with so many questions raised, particularly about the adequacy of the notice, might invite needless and preventable questions or challenges in the future.

RESPONSE: The Committee believes that the proposed amendments that appeared in the New Jersey Register at 47 N.J.R. 2338(a) satisfied the requirements of the Administrative Procedures Act (APA), set forth at N.J.S.A. 52:14B-1 et seq, as well as the Rules for Agency Rulemaking, N.J.A.C. 1:30, promulgated by the Office of Administrative Law (OAL rules). The Committee was not required to provide information about the applicants for licensure because the qualifying degrees are based upon rules that are not being changed; the Committee did not amend its standards for licensure relating to the required education, training, examination, and experience. The Committee will continue to require applicants for

licensure to have obtained a master's degree or a doctorate in counseling in a planned educational program designed to prepare students for the professional practice of counseling. The Committee does not have information about the number of these programs that do not have the word "Counseling" or "Counselor" in their degree title because they did not previously qualify for licensure. With respect to whether graduates of psychology or counseling psychology programs would be licensed, the Committee's existing rules regarding education, training, examination, and experience would determine whether they qualify for licensure. Because the Committee's proposed rule changes do not impact the licensure standards, the Committee does not anticipate that it will have any economic impact other than having a positive economic impact on those applicants who otherwise meet licensure requirements but do not qualify for licensure because their degree titles do not contain the word "Counseling" or "Counselor." These individuals will be able to obtain licensure and work as licensed professional counselors. The notice provided with respect to the changes to the degree title are consistent with the APA and OAL rules and was sufficient to permit interested parties to comment, as evidenced by the 93 comments received by the Committee.

21. COMMENT: One commenter inquired as to the research and reasoning to support the change in degree requirements. The commenter objected to the change that counselors are no longer required to graduate from a registered counselor education program. The commenter further believes that as the Committee reduces the requirements for certification and registration, the Committee is increasing opportunities for consumer fraud and liability.

RESPONSE: The Committee does not agree that the removal of the word "Counselor" or "Counseling" from the degree title reduces the requirements for licensure nor increases opportunities for consumer fraud and liability. In accordance with N.J.S.A. 45:8B-40 and N.J.A.C. 13:34-11.2 and 11.5, applicants for licensure as a professional counselor or associate counselor must obtain a master's degree or a doctorate in counseling in a planned educational program designed to prepare students for the professional practice of counseling.

22. COMMENT: One commenter stated that she worked very hard to get into a CACREP-accredited program and could have saved thousands of dollars by attending a non-accredited program closer to her home, but accreditation is a valuable, necessary aspect of the counselor training and demoting it with non-accredited licensure and non-counseling master's is appalling and truly scary.

RESPONSE: In accordance with existing N.J.A.C. 13:34-11.2(b) and 11.5(b), the Committee will continue to recognize CACREP-accredited institutions and regionally accredited institutions of higher education whose programs meet the curriculum requirements set forth in N.J.A.C. 13:34-11.2(a) and 11.5(a). Applicants are free to make individual choices when selecting which educational institution to attend.

[page=1377] 23. COMMENT: One commenter stated that "there's a reason why there is CACREP and CACREP-accredited programs in New Jersey. We at one point recognized the need for distinguishing between mental health-related professions and counseling. Why begin to work backwards?"

RESPONSE: In accordance with existing N.J.A.C. 13:34-11.2(b) and 11.5(b), the Committee will continue to recognize CACREP-accredited institutions and regionally accredited institutions of higher education whose programs meet the curriculum requirements set forth in N.J.A.C. 13:34-11.2(a) and 11.5(a). See also the Response to Comment 24.

24. COMMENT: One commenter suggested that, instead of establishing title and degree requirements that must be interpreted to determine counselor adequacy, the Committee adopt a requirement that the degree required for licensure be one attained from a CACREP-accredited program. The commenter noted that CACREP is the accrediting body for the counseling profession that requires all graduates to possess a strong counselor identity and that the adoption of a CACREP degree will ensure New Jersey licensees meet the national standard for counselor education and facilitate portability of the license to other states.

RESPONSE: In 2009, the Board of Marriage and Family Therapy Examiners, in consultation with the Professional Counselor Examiners Committee, adopted a requirement that, on or after October 5, 2012, to qualify for licensure as either a professional counselor or an associate counselor, an applicant's qualifying degree must have been obtained from a counseling degree program accredited, at the time of the applicant's graduation, by CACREP. As published in the New Jersey Register on June 20, 2011, at 43 N.J.R. 1414(a), after the Board's proposal and adoption of the CACREP-accreditation requirement, several New Jersey colleges and universities expressed concern about the requirement, objecting in particular, to the length of time required to complete the CACREP-accreditation process, and the costs associated with obtaining and maintaining this accreditation. In addition, the Red Tape Review Group (RTRG), convened in 2010 pursuant to Governor Christie's Executive Order No. 3 (2010), to review rules, regulations, and processes that are a burden to New Jersey's economy, expressed concern about the CACREP-accreditation requirement. The RTRG noted in its Findings and Recommendations that the requirement would have negative implications for New Jersey colleges and universities, forcing some to close their counseling programs. The RTRG concluded that the elimination of these counseling degree programs would decrease the number of applicants applying for licensure, eventually resulting in a shortage of licensed professional counselors available to serve the needs of New Jersey consumers. In light of those concerns, the Board, in consultation with the Committee, deleted the mandatory CACREP-accreditation requirement that would have become operational on October 5, 2012. Accordingly, the Committee declines to impose a mandatory CACREP-accreditation requirement.

25. COMMENT: One commenter opposed the deletion of the substance abuse coursework in N.J.A.C. 13:34-12.1(d)1 and, instead, suggested that substance abuse coursework be added to the requirements of N.J.A.C. 13:34-11.2 and 11.5. The commenter noted that given the prevalence of substance abuse among the general population, substance abuse coursework is an essential part of counselor education.

RESPONSE: In accordance with N.J.S.A. 45:8B-46 and 45:1-7.5, as substance abuse is not a separately required topic for applicants for initial licensure, the Committee cannot require it for applicants for licensure by reciprocity. In addition, the Committee noted that substance abuse coursework is encompassed in the existing coursework distribution requirements set forth in N.J.A.C. 13:34-11.2 and 11.5.

26. COMMENT: One commenter opposed the deletion of the human sexuality coursework in N.J.A.C. 13:34-12.1(d)1 and, instead, suggested that a course in "human sexuality," which includes training on the identification, prevention, effects, and treatment of child sexual assault be added to the requirements of N.J.A.C. 13:34-11.2, 11.5, and 12.1(d)1. The commenter noted that the National Center for PTSD, located within the Department of Veterans Affairs, estimates that child sexual assault is experienced by one out of six boys and one out of four girls under the age of 18 (Whealin & Barnett, 2011). The commenter further stated that given the correlation between child sexual assault and mental health and substance abuse disorders, it is important that professional counselors obtain training in

human sexuality, including the identification, prevention, effects, and treatment of child sexual assault.

RESPONSE: In accordance with N.J.S.A. 45:8B-46 and 45:1-7.5, as human sexuality is not a separately required topic for applicants for initial licensure, the Committee cannot require it for applicants for licensure by reciprocity. The Committee noted that human sexuality coursework is encompassed in the existing coursework distribution requirements set forth in N.J.A.C. 13:34-11.2 and 11.5.

### **Federal Standards Statement**

A Federal standards analysis is not required because the adopted amendments do not involve any Federal standards or requirements.

**Full text** of the adoption follows:

13:34-11.2 Professional counselor: application and educational requirements

(a) An applicant for licensure as a professional counselor shall submit the following to the Committee:

1.-2. (No change.)

3. An official transcript(s) clearly indicating that the applicant has completed a minimum of 60 graduate semester hours and has obtained a master's degree or a doctorate in counseling in a planned educational program designed to prepare students for the professional practice of counseling from a regionally accredited institution of higher education. The degree and official transcript(s) shall clearly indicate that:

i. The degree awarded is a master's degree or doctorate in counseling. The institution offering the degree shall state in the catalog or in another format acceptable to the Committee that the purpose of the graduate degree is to prepare students for the professional practice of counseling; and

ii. (No change.)

(b) (No change.)

(c) The master's or doctoral degrees required by (a)3 above shall be from programs that:

1. Require students to hold a bachelor's degree from a regionally accredited institution of higher education prior to entry; or

2. Award a bachelor's degree in conjunction with the master's or doctoral degree.

13:34-11.5 Associate counselor: application and educational requirements

(a) An applicant for licensure as an associate counselor shall submit to the Committee:

1.-2. (No change.)

3. An official transcript(s) clearly indicating that the applicant has completed a minimum of 60 graduate semester hours and has obtained a master's degree or doctorate in counseling

in a planned educational program designed to prepare students for the professional practice of counseling from a regionally accredited institution of higher education. The degree and official transcript(s) shall clearly indicate that:

i. The degree awarded is a master's degree or doctorate in counseling. The institution offering the degree shall state in the catalog or in another format acceptable to the Committee that the purpose of the graduate degree is to prepare students for the professional practice of counseling; and

ii. (No change.)

(b) (No change.)

(c) The master's or doctoral degrees required by (a)3 above shall be from programs that:

1. Require students to hold a bachelor's degree from a regionally accredited institution of higher education prior to entry; or

2. Award a bachelor's degree in conjunction with the master's or doctoral degree.

### 13:34-12.1 Licensure by endorsement

(a)-(b) (No change.)

(c) An applicant for licensure by endorsement shall hold a master's degree or doctorate in counseling from a counseling program accredited by the Council for the Accreditation of Counseling and Related Educational Programs (CACREP). The institution offering the degree shall state in the catalog or in another format acceptable to the Committee [page=1378] that the purpose of the graduate degree is to prepare students for the professional practice of counseling. The degree shall consist of at least 60 semester hours or 80 quarter hours of clinical and didactic instruction.

(d) If an applicant for licensure by endorsement has a master's degree or doctorate in counseling from a regionally accredited program related to the practice of counseling that is not accredited by CACREP, the institution offering the degree shall state in the catalog or in another format acceptable to the Committee that the purpose of the graduate degree is to prepare students for the professional practice of counseling. The applicant shall establish that the coursework and practicum, internship, and/or fieldwork for the program consists of at least 60 semester hours or 80 quarter hours, and is consistent with the following minimum requirements:

1. Thirty-three semester hours or 44 quarter hours of graduate coursework, which shall include a minimum of three semester hours or four quarter hours of graduate-level coursework in each of the following nine content areas: counseling theories and practice; human growth and development; diagnosis and treatment of psychopathology; group theories and practice; individual evaluation and assessment; career and lifestyle assessment; research and program evaluation; social and cultural foundations; and counseling in community settings. Courses in research, thesis or dissertation work, practicums, internships, or fieldwork may not be applied toward this requirement; and

2. Three semester hours or four quarter hours of graduate-level coursework in legal, ethical, and professional standards in the practice of mental health counseling, which includes goals, objectives, and practices of professional counseling organizations, codes of ethics, legal

considerations, standards of preparation, certifications and licensing, and the role identity and professional obligations of mental health counselors. Courses in research, thesis or dissertation work, practicums, internships, or fieldwork may not be applied toward this requirement.

(e) The master's or doctoral degrees required by (c) above shall be from programs that:

1. Require students to hold a bachelor's degree from a regionally accredited institution of higher education prior to entry; or
2. Award a bachelor's degree in conjunction with the master's or doctoral degree.

Recodify existing (e) and (f) as (f) and (g) (No change in text.)

#### 13:34-17.1 Fees

(a) The State Board of Marriage and Family Therapy Examiners shall charge the following fees in connection with the licensure of professional counselors and associate counselors:

- 1.-8. (No change.)